

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40107 of 2022

Arising Out of PS. Case No.-516 Year-2022 Thana- BIHTA District- Patna

SANTOSH KUMAR SINGH Son of Late Rameshwer Prasad Resident of ward no. 9, Maksudpur Jahuri Bazar, PS- Sadar Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 The present matter has been listed under the heading :
“To Be Mentioned” on the basis of mentioning slip filed on
behalf of the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bihta P.S.
Case No. 516/2022 registered for the offences punishable under
Sections 30(a), 31, 32(i)(ii)(iii), 36, 41 (i) (ii) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 155 liters foreign liquor from Datsun vehicle in question.
Petitioner and others apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has neither owner of the seized vehicle in question nor concerned with the alleged seized wine. The petitioner is not driver of the seized vehicle in question and the petitioner is being implicated by the police in collusion of his enemies. The petitioner is languishing in custody since 30.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection



with Bihta P.S. Case No. 516/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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